

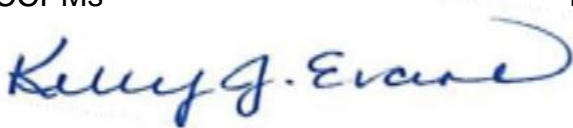
Exhibit A

2022 Jewish Holy Day Memo Passover (April 15-23, 2022)



TO Superintendents **MEMO**

ATTN DSCS CPDs
 CFSMs Rabbis and Jewish Chaplains
 CCPMs Business Managers



FROM Kelly Evans, Deputy Secretary for Reentry

DATE January 27, 2022

RE **2022 Jewish Holy Day Memo:**
Passover (April 15-23, 2022)

1. **Audience.** The accommodations noted below are for the observance of Passover for inmates who are formally registered in UMS, as specified in the content of this Memo, as either:
JEWISH (no subcategory); CHRISTIAN-OTHER Assembly Yahweh;
JEWISH Orthodox/Conservative/Reform; CHRISTIAN-OTHER House of Yahweh;
JEWISH Black Jew / Hebrew-Israelite; CHRISTIAN-OTHER Messianic.
2. **Coordination.** Each Chaplaincy Program Director (CPD), Rabbi/Jewish Chaplain and Corrections Food Service Manager (CFSM) must coordinate this observance in concert with Security.
3. **Deadline for Participant Numbers.** In order to ensure availability of special foods for these holy day observances, CPDs must provide their CFSM and Angela Cline (CEN Food Services) of the estimated number of inmates who will receive Kosher for Passover Religious Meals (Item #7), attend the Ceremonial Seders (Item #10) and participate in the Full Seder Meal (Item #12) by **Friday, February 25, 2022.**
4. **State of Emergency.** If communal gatherings are restricted or are not permitted, due to an ongoing state of emergency or other directive, the institution shall develop a Plan of Action (POA) to accommodate this holy day observance as best as possible. The POA shall address requirements relating to any need for social distancing, utilizing PPE, cohorts, using best practices and technology, including having inmates observe some/all of these holy days in their cells.
5. **Start and End Time.** Passover spans nine days, beginning at sunset, **April 15, 2022**, and ending at nightfall, **April 23, 2022.** Nightfall occurs about 45 minutes after sunset.
6. **Kosher for Passover Matzah**
 - a. There are only two ways for inmates to receive Kosher for Passover Matzah:
 - i. By receiving Kosher for Passover Religious Meals (explained in Item #7), or
 - ii. By inmates purchasing Kosher for Passover Matzah as noted below.

- b. Each facility may select one vendor from which the Chaplain's Office will facilitate a group order of Kosher for Passover Matzah paid for by individual inmates. Inmates must identify with one of the faiths noted in Item #1.
- c. Inmates on AC/DC status may NOT purchase boxes of Kosher for Passover Matzah.
- d. Each eligible inmate can purchase up to six (6) one-pound boxes of Kosher for Passover Matzah. Kosher for Passover Matzah is listed as an Optional Menu Item (see Item # 26c).
- e. The CPD/designee will collect and process **DC-138A Cash Slips** or inmates will submit payment via commissary (as per institutional procedures) so that one group order is made.
- f. The Chaplain's Office is responsible to distribute the boxes of Kosher for Passover Matzah to inmates who paid for them.

7. **Kosher for Passover Religious Meals**

- a. Inmates who express in writing that they will participate in Passover and who are currently approved to receive Kosher Diet Religious Meals will automatically receive **Kosher for Passover Religious Meals** beginning at lunch, **April 15, 2022** through nightfall, **April 23, 2022**. Inmates who are approved for the Kosher Diet but are not participating in Passover will receive the normal Kosher Diet Religious Meal.
- b. Items on the Kosher for Passover Religious Meals includes: fresh fruit, Kosher for Passover matzah, hard-cooked eggs, Kosher for Passover milk, baked potatoes, raw vegetables, and Kosher for Passover cottage cheese. The menu for the Kosher for Passover Religious Meals is on the Food Services website.
- c. Eligible inmates who are not currently approved for Kosher Diet Religious Meals, but who wish to receive Kosher for Passover Religious Meals during Passover, must submit **Form DC-135A, Inmate Request to a Staff Member**, to their CPD/designee by the deadline established by the institution. The CPD will provide Food Services with a list of inmates who will receive Kosher for Passover Religious Meals for the duration of Passover.
- d. While receiving Alternative Meals, inmates are NOT eligible to receive any religious diets.
- e. Kosher for Passover Matzah, served as part of the Kosher for Passover Religious Meals, and which is used for the Ceremonial Seders, will be purchased and paid for by Corrections Food Services.

8. **Rules.** Inmates approved for Kosher for Passover Religious Meals:

- a. Must report consistently to and consume all Kosher for Passover Religious Meal contents in the Inmate Dining Rooms (IDR), if IDRs are utilized. If IDRs are not utilized, inmate will receive these meals in their cells;
- b. Must not take or eat any portion of regular meals during Passover;
- c. Must not knowingly misuse any portions of the Kosher for Passover Religious Meals;
- d. Must not give any portion of the Kosher for Passover Religious Meals to other inmates;
- e. May not miss three consecutive meals or more than five meals from the start of the accommodation;
- f. Understand that if they are non-compliant with the Kosher for Passover Religious Meal accommodation, the accommodation will stop;
- g. Understand that they may request to be removed from receiving Kosher for Passover Religious Meals by submitting **Form DC-135A, Inmate Request to Staff Member** to CPD or otherwise inform the CPD;

h. Understand that if they are receiving a Therapeutic Diet, have a food allergy or are receiving a snack bag, and still wish to receive Kosher for Passover Religious Meals, that they must sign a **DC-462 - Release from Responsibility for Medical Treatment Form (13.2.1, Section 1 – Inmate Health Care Plan, Attachment 1-F)** prior to being accommodated with Kosher for Passover Religious Meals.

9. **Work Details.** Inmates observing Passover are **excused from work details** without pay when participating in the Ceremonial Seders, if being held, as well as from sunset, **April 15, 2022** to nightfall, **April 17, 2022**, and from sunset, **April 21, 2022** to nightfall, **April 23, 2022**. It is the responsibility of the inmate participating in Passover to inform his/her work supervisor of his/her intentions not to work on the above times and days, without pay, in a timely fashion.

10. **Two Traditional Ceremonial Seders.** A Jewish Ceremonial Seder, following a traditional Jewish faith perspective and custom, will be celebrated at nightfall on EACH of the first TWO nights of Passover, pending a State of Emergency or other limitations. These Seders are open to all inmates who are formally registered in UMS, as specified in Item #1.

If an institution has accommodated regular separate communal gatherings for inmates who identify with non-Traditional Jewish expressions of faith, inmates who identify with such faiths may gather for one separate Seder, unless there is a State of Emergency or other restriction, provided a Chaplain or an approved Faith Group Leader is available to supervise/lead such or scripted materials are available for these inmates to use. Staff must supervise any Ceremonial Seders not led by a Faith Group Leader.

a. Sacred Items. At the traditional Ceremonial Seders, if held, a traditional Jewish Haggadah (a booklet containing sacred readings and prayers) will be used. It is customary for a sample Ritual Seder Plate to be present at the Ceremonial Seders.

b. Candles. Candles, candle holders and matches are approved for use during the Seders. However, if candles are used, the following fire and safety standards must be followed:

- i. Candles shall NEVER be lit when they are unattended;
- ii. Candles must be enclosed in non-tip candleholders;
- iii. If candles cannot be safely enclosed and separated from combustible material, they shall not be used;
- iv. Candleholders shall not allow hot wax to come in contact with the flammable materials;
- v. If religiously permitted, battery-operated artificial candles shall be used instead.

c. Out-Count. Local Security will determine whether a special line movement or an out-count is warranted to accommodate these two evening observances, as they take place after sunset and may interfere with the normally scheduled evening count.

d. Foods. Ceremonial Seder Food Items supplied by Food Services for the two Ceremonial Seders are noted below.

11. **Scheduling a Full Seder Meal.** One Full Seder Meal takes place at **nightfall** and can be served on either the first OR the second night of Passover, in conjunction with one of the two traditional Ceremonial Seders. If a Ceremonial Seder and the Full Seder Meal cannot be observed at the traditional time, the Rabbi/Jewish Chaplain, CPD and CFSM will determine when these observances will take place. In the event of an emergency, whereby communal gatherings are restricted or are not permitted, the institution shall develop a POA to deliver

the contents of the Full Seder Meal to participating inmates in their cells. This includes approved AC and DC inmates.

12. Who May Participate in the Full Seder Meal?

Inmates who are formally registered in UMS, as specified in Item #1 above and who have participated in at least half of the respective Jewish / Hebrew Israelite / Messianic faith group gatherings which have taken place six months prior to Passover, who sign up by the deadline established by the facility may participate in both traditional Ceremonial Seders and the one Traditional Full Seder Meal held in conjunction with one of the Ceremonial Seders.

If an institution has accommodated regular separate communal gatherings for inmates who identify with non-Traditional Jewish expressions of faith, inmates who identify with such faiths may gather for a separate Full Seder Meal, barring a State of Emergency, provided a Chaplain or an approved Faith Group Leader is available to supervise such or they may elect to participate in the traditional Full Seder Meal with traditionally Jewish inmates.

Attendance requirements to participate in the Full Seder Meal are waived if there were no gatherings (e.g., due to State of Emergency) to verify which members of the community are considered to be in good standing. Participants must still have been registered as part of the faith group in UMS for at least the previous six months.

13. Full Seder Meal Logistics

- a. The Full Seder Meal will replace either the normally scheduled lunch or supper meal;
- b. If the Full Seder Meal, if held communally, it is limited to a maximum of three (3) hours in duration. This limit includes time for processing inmates to and from the Seder location;
- c. Menu items provided by the facility and Optional Menu Items (if applicable and paid for by the inmate community) will be limited to those noted in Items #26b. and c. below;
- d. All food items will be purchased and prepared by the facility. The CFSM will ensure that safe and sanitary practices are followed.

14. Administrative Custody (AC) and Disciplinary Custody (DC) Inmates

- a. **Ceremonial Seder Items.** While qualifying inmates on AC and DC status are not able to participate in the Ceremonial Seders, and may NOT purchase boxes of Kosher for Passover Matzah, they may:
 - i. Sign up to receive **Passover Kosher Religious Meals** through which they will be accommodated with Kosher for Passover Matzah in lieu of bread at mealtimes;
 - ii. Borrow a Haggadah from the Chaplain's Office;
 - iii. May request from the CPD to receive Kosher for Passover Matzah (one square piece per inmate) and a celery stalk provided by Food Services on the first two nights of Passover. The CPD will remind Food Services to place an additional piece of matzah and celery in the bags of AC and DC inmates receiving **Kosher for Passover Religious Meals** on the first two nights of Passover.
- b. **Optional Menu Items and Full Seder Menu Items.** Qualifying inmates on AC and DC status may pay for and receive Optional Menu Items for the Full Seder Meal, provided the:
 - i. The GP Jewish community has elected to order Optional Menu Items;
 - ii. They are formally registered in UMS, as specified in Item #1 above;
 - iii. They have funds available in their accounts, at the time the ordering takes place, to pay for them;

- iv. They are not currently receiving Alternative Meals.

Approved AC and DC inmates will receive the **Full Seder Menu Items** provided by the DOC for the Ceremonial Meal in lieu of a mainline lunch/supper. Only if they paid for Optional Meal Items will they receive them. These will be delivered to the inmate's cell and are in place of the mainline lunch/supper meal.

15. DOC's Single Point of Entry/Reception Center, Diagnostic and Classification Center (DCC) and Initial Reception Units (IRU Inmates. DOC's Single Point of Entry/Reception Center inmates (SMI), DCC and IRU inmates, including Parole Violators awaiting transfer, may NOT order or receive Optional Menu Items and will only receive the scheduled Master Menu meal.

16. Optional Menu Items

- a. Participating inmates are responsible to pay all costs, including shipping and handling and overruns, incurred for Optional Menu Items, if ordered;
- b. Optional menu items can be procured from any food vendor(s) and do not need procured from the Food Contract.
- c. If no Optional Menu Items are ordered, only the DOC-supplied **Full Seder Menu Items** will be served.
- d. The CPD/Rabbi/Jewish Chaplain, in conversation with the traditional Jewish inmate community members, will determine which of the following choices the community will follow with regarding Optional Menu Items:
 - i. Each inmate pays the same amount for Optional Menu Items. Inmates who elect not pay for or are unable to pay for Optional Menu Items will only receive DOC-supplied Full Seder Menu Items or their previously approved therapeutic or religious diet as their Seder Meal. Each facility must develop a mechanism to keep track of which inmates may only partake of DOC-supplied Full Seder Menu Items.
 - ii. Each non-indigent inmate will contribute the SAME monetary amount ABOVE the Optional Menu Items cost (e.g. \$1) to pay for indigent inmates, as defined by **DC-ADM 803**, to receive Optional Menu Items. Inmates who claim indigent status must submit a request form asking for Indigent Status by the deadline established by the institution; and
 - iii. An outside monetary donation by an individual, organization or vendor, with the prior approval of the FM/designee, may be designated for indigent inmates to cover Optional Menu Item costs. Donations exceeding what is needed to accommodate indigent inmates may be used to defray the cost for approved non-indigent inmates to receive Optional Menu Items.

17. Shmurah Matzah. Institutions may order one box of Shmurah Matzah (i.e., special matzah that has been guarded from being leavened) from a vendor of their choice. Shmurah Matzah is listed as an Optional Menu Item (see Item # 26c).

18. Collection of Funds. Approved GP, AC and DC inmates who are approved to receive Optional Menu Items, are required to submit a **DC-138A, Cash Slip** to their CPD/designee or submit payment via commissary by the deadline established by the facility.

19. Credit and Reimbursement.

- a. Reimbursement of Optional Menu Item costs for inmates who had funds deducted from

their accounts will only be made for inmates who were placed on medical lay-in, transferred out of the facility to a facility which did not accommodate Optional Menu Items, scheduled for a court appearance or released.

- b. Reimbursement of Optional Menu Item costs will NOT be made for inmates who, after submitting payment, receive Alternative Meals. All other Optional Menu Item reimbursements must be approved by the FM/designee.

20. **No Outside Food.** Ritual or other food items may not be donated by any employee, contractor or any outside individual, organization or vendor, unless otherwise noted on this memo.

21. **Foregoing DOC Menu Items.** Regardless of whether or not inmates eat the DOC-supplied **Full Seder Menu Items**, these items will be available and served. Inmates will not receive any credit/refund for not consuming DOC menu items. Inmates able to, but who elect not to participate in the Full Seder Meal will receive the menu items indicated on the Master Menu (or their previously approved therapeutic or religious diet) instead of the Full Seder Meal.

22. **Guests.** Non-approved inmates are NOT permitted to attend or receive the Full Seder Meal. If taking place, outside religious volunteers and public visitors may attend but are NOT permitted to partake of inmate-paid-for Optional Menu Items at the Full Seder Meal.

23. **Seconds.** Only if the ceremonial meal is served communally, may GP inmates have second helpings of the Optional Menu Items after everyone has been served and as long as food and time permit. All Optional Menu Items not consumed by the inmate group must be discarded after the Full Seder Meal.

24. **Ration of Fruit Only.** Consistent with Department practices, only one ration of fruit, if served at the Full Seder Meal, may be taken back to a housing unit.

25. **Kitchen Workers.** At the discretion of the CFSM, Jewish inmates, who already work in Food Services, may be asked to prepare the food for the Full Seder Meal.

26. **Ceremonial Seder, Full Seder Meal and Optional Menu Items:**

- a. **Ceremonial Seder Food Items** (supplied by the facility for the two Ceremonial Seders):

For the group Ceremonial Seders, subject to a State of Emergency:

- i. One Roasted Shank/Neck Bone (roasted bone may be chicken, beef, or lamb)
- ii. One Horseradish Root or Ground Horseradish, labeled Kosher for Passover
- iii. One Ritual Seder Plate

For each Ceremonial Seder participant, subject to a State of Emergency:

- i. Horseradish (labeled Kosher for Passover)
- ii. Haroset (a mixture of Kosher for Passover grape juice, apples, nuts and cinnamon)
- iii. One-piece Fresh Parsley (washed) or one-piece Celery Stalk (washed)
- iv. Salt Water
- v. One Roasted Egg (boiled, pierced, and then placed in a pre-heated oven for 10 min.)
- vi. Kosher for Passover Matzah (one square piece per inmate)
- vii. Grape Juice, labeled Kosher for Passover (between 32-48 ounces/participant total to cover both Ceremonial Seders)

- b. **Full Seder Menu Items per person supplied by the DOC using DOC Regular Products and Portions** (The Department will make every effort, within limitations, for DOC-supplied food items for the contents of the Full Seder Meal to be Kosher for Passover. Participants shall be aware that hard-cooked eggs in shell will be boiled in a non-Kosher pots and baked potatoes will be baked in a non-Kosher ovens).

1 cup Fresh Green Salad
 1 medium Baked Potato
 2-each Hard-Cooked Eggs in Shell
 ½ cup Beets
 1 cup Raw Vegetables (Carrot, Celery Sticks, Other)
 2-pieces each Kosher Passover Matzah
 1 cup Fruit Compote (fresh or canned fruit combination)
 8 oz. Calcium-Fortified Juice Beverage
 Condiments: 2-each Salt, Pepper, Margarine packs
 (NOTE: Menu subject to change based on market availability of food items)

- c. **Optional Menu Items to be selected and paid for by the faith community at each institution and to be purchased and prepared by Food Services:**

One 12 oz. Shelf-Stable Kosher for Passover Meal/person
 One 12 oz. Shelf Stable Chicken Soup with Matzah Balls/person
 Up to 2 pieces Gefilte Fish/person
 Up to 2 oz. Salad Dressing/person
 Up to 5 oz. Macaroons/person
 Up to six (6) one-pound boxes Kosher for Passover Matzah/person (as per Item #6b above)
 One box of Shmurah Matzah (as per Item #17 above)
 (NOTE: Menu subject to change based on market availability of food items)

Direct questions to **Rev. Ulli Klemm**, Religious Services Administrator at [REDACTED].
 Direct food and menu questions to **Craig Copper**, Chief of Food Services Division/BHCS at [REDACTED].

cc: George Little, Secretary of Corrections
 Executive and Regional Deputy Secretaries
 Kenneth Goodman, Deputy, B.F.S.S.O.
 Daniel McIntyre, Director, Bureau of Reentry Coordination
 Tracy Smith, Chief of Treatment, Division of Treatment Services
 Jason Stauffer, Assessment and Classification Section Supervisor, DTS
 Religious Services Administrators, DTS

Exhibit B

Final Appeal Decision re
Inmate Grievance No. 976677
September 8, 2022



09/08/2022 09:06

Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

Inmate Name:	SANCHEZ, ORACIO	DOC #:	KR8346
SCI Filed:	Fayette	Current SCI:	Fayette
Grievance #:	976677		

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Decision: Uphold Response

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

A review of the record was conducted by the Bureau of Treatment Services regarding your concern that you and your fellow Hebrew Israelites should be permitted to observe the Passover holiday with a communal meal separately from the mainstream Jewish population, once the COVID-19 pandemic resolves such that communal meals can be afforded in a safe manner at the Department's discretion. You allude to a Settlement Agreement agreed upon in 2020. It was determined that the Settlement Agreement does not give a specific date on which Passover shall be observed. It states that participation in the Hebrew Israelite Passover meal is subject to the requirements and limitations of Department policy DC-ADM 819 in effect at the time of the meal, including a minimum number of inmates. At the time, Passover participant information was being gathered for 2022 via a survey letter which was due back to the Chaplain's office by 2/22/2022, SCI Fayette implementing COVID-19 mitigation strategies and dealing with staff shortages. Thus, the letter stated, "Due to the COVID epidemic, (the 2022 Passover meal) will NOT be a communal meal, but will be eaten in each inmate's cell". The DOC Jewish Holy Memo for Passover 2022 stated, "Each Chaplaincy Program Director (CPD), Rabbi/Jewish Chaplain, and Corrections Food Service Manager (CFSM) must coordinate this observance in concert with Security". "Inmates who identified with any of these faith groups and were active in their respective faith communities (namely, Jewish - no subcategory; Jewish - Orthodox/Conservative/Reform; Jewish - Black Jew/Hebrew-Israelite; Christian - other Assembly Yahweh; Christian - other House of Yahweh; Christian - other Messianic) were eligible to participate in both religious observances of Passover (Namely, two ceremonial Seders taking place on 4/15/2022, and 4/16/2022, and one ceremonial meal, taking place on EITHER 4/15/2022, or 4/16/2022)". While there is no Jewish requirement for a Ceremonial Seder (with symbolic sacred foods referenced during a religious ritual) to take place on the first and second nights of Passover, there was and is no requirement for the Passover Ceremonial Meal to be held on one day over the other. BTS learned that there were only four inmates who identified as Jewish, and just four inmates who identified as Hebrew Israelites, who elected to observe the Passover Ceremonial meal on 4/16/2022, at SCI Fayette. The minimum number is five. The DOC Jewish Holy Day Memo for Passover 2022 also stated, "If an institution has accommodated regular separate communal gatherings for inmates who identify with non-traditional Jewish expressions of faith, inmates who identify with such faiths may gather for one separate Seder, unless there is a State of Emergency or other restriction, provided a Chaplain or an approved Faith Group Leader is available to supervise/lead such, or scripted materials are available for these inmates to use. Staff must supervise any

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KR8346 Grievance #: 976677

SANCHEZ, ORACIO

Page1 of 2



09/08/2022 09:06

Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

Ceremonial Seders not led by a Faith Group Leader". While under normal conditions, SCI Fayette would have entertained accommodating two separate Ceremonial meals (one for traditional Jews and the other for non-traditional Jews), there were so few inmates (four inmates each) from both faith families who expressed their desire to participate in the Passover Ceremonial meal. Food Services would have been severely burdened (re: staffing and time) to accommodate four respective inmates (of a total inmate population of 2,144) with a separate meal on consecutive nights. Additionally, there were chaplaincy staff shortages. One Ceremonial meal was held, with the four inmates who identify as Hebrew-Israelite meeting at one table, and inmates who identify as Jewish meeting at another table. Therefore, the Initial Review Response is upheld. Your grievance and requested relief are denied.

Signature:	<i>Dei Moore for</i>
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	09/08/22

CC: DC-15/Superintendent - Fayette
 Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KR8346 Grievance #: 976677

SANCHEZ, ORACIO

Page2 of 2